

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CIVIL ACTION FILE NO. 5:15-CV-00291-BO

THOMAS E. PEREZ, Secretary of Labor,)
United States Department of Labor,)
Plaintiff,)

v.)

CONSENT JUDGMENT

GREEK FIESTA FOOD CORPORATION,)
d/b/a GREEK FIESTA, BRIER CREEK)
FOOD CORPORATION, d/b/a GREEK)
FIESTA, CROSSROADS FOOD)
CORPORATION, d/b/a GREEK FIESTA,)
FALLS POINT FOOD CORPORATION,)
d/b/a GREEK FIESTA, CRABTREE FOOD)
CORPORATION, d/b/a GREEK FIESTA,)
STONE CREEK FOOD CORPORATION,)
d/b/a GREEK FIESTA, WESTERN FOOD)
CORPORATION, d/b/a GREEK FIESTA,)
TOWNE NORTH FOOD CORPORATION,)
d/b/a GREEK FIESTA, ATILLA AKBAY, an)
individual,)
Defendants.)

This cause came on for consideration upon the Joint Motion of Plaintiff and Defendants Greek Fiesta Food Corporation, Brier Creek Food Corporation, Crossroads Food Corporation, Falls Point Food Corporation, Crabtree Food Corporation, Stone Creek Food Corporation, Western Food Corporation, Towne North Food Corporation, d/b/a Greek Fiesta, and Atilla Akbay (collectively, "Defendants") and consent to the entry of this Judgment, without further contest. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendants, their agents, servants, employees and all persons in active concert or participation with them who receive actual notice

hereof are permanently enjoined from violating the provisions of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, et seq., hereinafter referred to as the Act, in any of the following manners:

1. Defendants shall not, contrary to §§ 6 and 15(a)(2) of the Act, 29 U.S.C. §§ 206 and 215(a)(2), pay any employee who is engaged in commerce or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, wages at a rate less than the applicable minimum hourly rate prescribed by said § 6 as now in effect or which hereafter may be made applicable by amendment thereto.

2. Defendants shall not, contrary to §§ 7 and 15(a)(2) of the Act, 29 U.S.C. §§ 207 and 215(a)(2), employ any employee in commerce or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for more than 40 hours in a workweek unless such employee is compensated for such hours in excess of 40 at an overtime rate of at least one and one-half times the regular rate at which such employee is employed.

3. Defendants shall not, contrary to §§ 11(c) and 15(a)(5) of the Act, 29 U.S.C. §§ 211(c) and 215(a)(5), fail to make, keep and preserve adequate and accurate employment records as prescribed by Regulation found at 29 C.F.R. § 516.

4. IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff shall recover from Defendants back wages in the total amount of \$77,944.12, plus an equal amount in liquated damages, due employees for the periods of employment and in the amounts

indicated with respect to each, as set forth in the Schedules as attached hereto. Each Schedule represents a separate physical location of the enterprise. The private rights, under the Act, of any employee of Defendants not named or for periods not stated in said Schedules shall not be terminated or otherwise adversely affected by this proceeding.

5. To comply with the provisions of this Judgment, Defendants shall deliver to each of the employees, separate cashier's or certified checks, or money orders payable to the employee in six installments, as provided in the Schedules. All installment payments shall be paid by Defendants by the first day of each month.

6. After each installment payment, Defendants shall send evidence of all monthly installment payment(s) made to each employee to the Wage and Hour Division's Raleigh, NC District Office no later than 30 days after each payment is made. Evidence of the back wage payments shall include record of gross and net amounts including an itemized list of deductions. Evidence of liquidated damage payments shall include the gross amount paid. Within 30 days of making the final payment to each employee, Defendant shall provide Wage and Hour Division's Raleigh, NC District Office proof of such payment by submitting WH-58 Forms signed by each employee to whom said amounts have been fully paid. A copy of the separate cashier's or certified checks, or money orders for each employee reflecting the back wage and liquidated damage payment along with the signed WH-58 Forms shall serve as evidence of each payment.

7. No later than 30 days after the completion of the sixth installment payment, Defendants shall provide a list to the Wage and Hour Division's Raleigh, NC District

Office that shows all employees who have not been paid due to unknown addresses or otherwise. This list should include each employee's last known address, social security number, and all attempts Defendants have made to locate the employee(s).

a. No later than 30 days after the sixth installment payment, Defendants shall send the Wage and Hour Division's Raleigh, NC District Office a "Net" check for all unpaid back wages and a "Gross" check for all unpaid liquidated damages.

b. The check should be made payable to "Wage and Hour Division-Labor" for the total NET amount of back wages due all unpaid employees, and the GROSS amount due for the liquidated damages.

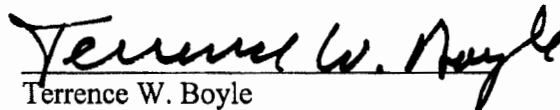
8. Plaintiff, thereupon, shall distribute the proceeds of such checks, less deductions for federal income taxes and employee contributions to F.I.C.A., as required by law, to the named employees, or to their personal representatives, and any amounts not so distributed by the Plaintiff within the period of three (3) years after date of this Judgment, because of inability to locate the proper persons or because of such persons' refusals to accept such sums, shall be deposited into the Treasury of the United States as miscellaneous receipts. Defendants shall remain responsible for the employer's share of F.I.C.A. arising from or related to the back wages paid hereunder.

9. It is FURTHER ORDERED that in the event of default by the Defendants in the payment of any of the above-recited installments, the total balance then remaining unpaid shall become due and payable immediately, with no further notice or demand required, and post

judgment interest shall be assessed against such remaining unpaid balance, in accordance with 28 U.S.C. § 1961, from the date hereof until paid in full.

10. It is FURTHER ORDERED that court costs of this action hereby are taxed to the Defendants for which execution may issue. Each party shall bear such other of its own attorney's fees and expenses incurred by such party in connection with any stage of this case, including but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

SO ORDERED THIS 5 day of Nov., 2015.


Terrence W. Boyle
UNITED STATES DISTRICT JUDGE

WE CONSENT:

Brooke D. Werner McEckron by *Albert R. Bell, Jr.*
Signed with Consent

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SCHEDULES

GREEK FIESTA - CROSSROADS BLVD (CROSSROADS FOOD CORPORATION)

CASE #1689615

EMPLOYEE NAME	BACKWAGES	LIQUIDATED DAMAGES
Boukricha, Tariq	\$5,423.93	\$5,423.93
El Hajjami, Issam	\$1,527.77	\$1,527.77
Jemmouni, Younes	\$789.12	\$789.12
Zhar, Yossef	\$287.75	\$287.75
Zrouat, Hatim	\$2,077.24	\$2,077.24
	\$10,105.81	\$10,105.81
1st Payment		
Boukricha, Tariq	\$ 5,423.93	
2nd Payment		
Boukricha, Tariq		\$ 5,423.93
3rd Payment		
El Hajjami, Issam	\$ 1,527.77	\$ 1,527.77
4th Payment		
Jemmouni, Younes	\$ 789.12	\$ 789.12
5th Payment		
Zhar, Yossef	\$ 287.75	\$ 287.75
6th Payment		
Zrouat, Hatim	\$ 2,077.24	\$ 2,077.24
	\$ 10,105.81	\$ 10,105.81

GREEK FIESTA- WESTERN BLVD (WESTERN FOOD CORP)

CASE #1731105

EMPLOYEE NAME	BACKWAGES	LIQUIDATED DAMAGES
Ghadban, Ali	\$252.93	\$252.93
Gueboud, Yassine	\$743.92	\$743.92
Khalid, Affane	\$85.77	\$85.77
Lebrimi, Amine	\$536.39	\$536.39
Machrouhi, Abdelhak	\$2,732.30	\$2,732.30
SUM	\$4,351.31	\$4,351.31
1st Payment		
Ghadban, Ali	\$ 252.93	\$ 252.93
2d Payment		
Gueboud, Yassine	\$ 743.92	\$ 743.92
3rd Payment		
Khalid, Affane	\$ 85.77	\$ 85.77
4th Payment		
Lebrimi, Amine	\$ 536.39	\$ 536.39
5th Payment		
Machrouhi, Abdelhak	\$ 2,732.30	
6th Payemnt		
Machrouhi, Abdelhak		\$ 2,732.30
TOTAL	\$ 4,351.31	\$ 4,351.31

GREEK FIESTA - STONE CREEK (STONE CREEK FOOD CORP)

CASE #1731107

EMPLOYEE NAME	BACKWAGES	LIQUIDATED DAMAGES
Aalaqui, Khalid	\$2,508.56	\$2,508.56
Aoussar, Lahsen	\$409.23	\$409.23
El Heddaj, Mohamed	\$452.48	\$452.48
El Kandoussi, Laarbi	\$1,417.51	\$1,417.51
El Mkhaili, Mohamed	\$634.87	\$634.87
El-Qari, Majid	\$370.07	\$370.07
	\$5,792.72	\$5,792.72
1st Payment		
Aalaqui, Khalid	\$ 2,508.56	
2nd Paynebt		
Aalaqui, Khalid		\$ 2,508.56
3rd Payment		
Aoussar, Lahsen	\$ 409.23	\$ 409.23
El Heddaj, Mohamed	\$ 452.48	\$ 452.48
4th Payment		
El Kandoussi, Laarbi	\$ 1,417.51	\$ 1,417.51
5th Payment		
El Mkhaili, Mohamed	634.87	634.87
6th Payment		
El-Qari, Majid	\$ 370.07	\$ 370.07
TOTAL	\$ 5,792.72	\$ 5,792.72

GREEK FIESTA - BRIER CREEK PKWY (BRIER CREEK FOOD CORPORATION)

CASE #1731109

EMPLOYEE NAME	BACKWAGES	LIQUIDATED DAMAGES
Ezzahari, Mounir	\$3,135.98	\$3,135.98
Ghazal, Ibrahim	\$1,224.99	\$1,224.99
Khalid, Reda	\$3,022.84	\$3,022.84
Mayour, Ahmed	\$552.91	\$552.91
Mazroub, Mourad	\$7,887.69	\$7,887.69
Saada, Youssef	\$2,531.42	\$2,531.42
Saidani, Abdelha	\$381.28	\$381.28
Syed, Quadri	\$364.01	\$364.01
Wetherington, Brian	\$328.00	\$328.00
SUM	\$19,429.12	\$19,429.12
1st Payment		
Ezzahari, Mounir	\$ 3,135.98	\$ 3,135.98
2nd Payment		
Ghazal, Ibrahim	\$ 1,224.99	\$ 1,224.99
Mayour, Ahmed	\$ 552.91	\$ 552.91
Saidani, Abdelha	\$ 381.28	\$ 381.28
Syed, Quadri	\$ 364.01	\$ 364.01
Wetherington, Brian	\$ 328.00	\$ 328.00
3rd Payment		
Khalid, Reda	\$ 3,022.84	\$ 3,022.84
4th Payment		
Mazroub, Mourad	\$ 7,887.69	
5th Payment		
Mazroub, Mourad		\$ 7,887.69
6th Payment		
Saada, Youssef	\$ 2,531.42	\$ 2,531.42
TOTAL	\$ 19,429.12	\$ 19,429.12

GREEK FIESTA - CREEDMOOR ROAD (TOWNE NORTH FOOD CORPORATION)

CASE #1687030

EMPLOYEE NAME	BACKWAGES	LIQUIDATED DAMAGES
Ait Hadou, Mohamed	\$1,388.56	\$1,388.56
Azizi, Abdul	\$606.81	\$606.81
Esserji, Hamid	\$1,576.34	\$1,576.34
Majidi, Mohammed	\$1,201.63	\$1,201.63
Soufiane, Sakkam	\$112.81	\$112.81
Taneji, Mohammed	\$590.65	\$590.65
SUM	\$5,476.80	\$5,476.80
1st Payment		
Ait Hadou, Mohamed	\$ 1,388.56	\$ 1,388.56
2nd Payment		
Azizi, Abdul	\$ 606.81	\$ 606.81
3rd Payment		
Esserji, Hamid	\$ 1,576.34	\$ 1,576.34
4th Payment		
Majidi, Mohammed	\$ 1,201.63	\$ 1,201.63
5th Payment		
Soufiane, Sakkam	\$ 112.81	\$ 112.81
6th Payment		
Taneji, Mohammed	\$ 590.65	\$ 590.65
TOTAL	\$ 5,476.80	\$ 5,476.80

GREEK FIESTA - MORRISVILLE FOOD (GREEK FIESTA FOOD CORPORATION)

CASE #1695280

EMPLOYEE NAME	BACKWAGES	LIQUIDATED DAMAGES
Bouhya, Hassan	\$1,104.01	\$1,104.01
Chantouf, Jaquad	\$504.11	\$504.11
Lassri, Said	\$4,804.32	\$4,804.32
Mdaghri Alaqui, Moulay Ali	\$7,177.10	\$7,177.10
Mounmen, Abdelaziz	\$4,309.57	\$4,309.57
Rochdi, Ali	\$5,305.39	\$5,305.39
SUM	\$23,204.50	\$23,204.50
1st Payment		
Bouhya, Hassan	\$ 1,104.01	\$ 1,104.01
Chantouf, Jaquad	\$ 504.11	\$ 504.11
2nd Payment		
Lassri, Said	\$ 4,804.32	\$ 4,804.32
3rd Payment		
Mdaghri Alaqui, Moulay Ali	\$ 7,177.10	
4th Payment		
Mdaghri Alaqui, Moulay Ali		\$ 7,177.10
5th Payment		
Mounmen, Abdelaziz	\$ 4,309.57	\$ 4,309.57
6th Payment		
Rochdi, Ali	\$ 5,305.39	\$ 5,305.39
TOTAL	\$ 23,204.50	\$ 23,204.50

GREEK FIESTA - GLENWOOD AVENUE (CRABTREE FOOD CORPORATION)

CASE #1688603

EMPLOYEE NAME	BACKWAGES	LIQUIDATED DAMAGES
Bachi, Kaddour	\$1,280.72	\$1,280.72
Belarbi, Mohamed	\$2,481.17	\$2,481.17
El Mendill, Bout	\$1,390.89	\$1,390.89
El Mendill, Abdellah	\$523.49	\$523.49
Rios, Duenez Lorenzo	\$3,907.59	\$3,907.59
	\$9,583.86	\$9,583.86
1st Payment		
Bachi, Kaddour	\$ 1,280.72	\$ 1,280.72
2nd Payment		
Belarbi, Mohamed	\$ 2,481.17	\$ 2,481.17
3rd Payment		
El Mendill, Bout	\$ 1,390.89	\$ 1,390.89
4th Payment		
El Mendill, Abdellah	\$ 523.49	\$ 523.49
5th Payment		
Rios, Duenez Lorenzo	\$ 3,907.59	
6th Payment		
Rios, Duenez Lorenzo		\$ 3,907.59
	\$ 9,583.86	\$ 9,583.86